

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DONALD MALLARD,)	
)	
Plaintiff,)	
)	
v.)	No. 1:19-cv-03979-JPH-DML
)	
DUSHAN ZATECKY individual & official)	
capacity,)	
WADE KENT individual & official capacity,)	
BRENDA DOWNEY individual & official)	
capacity,)	
)	
Defendants.)	

**ORDER DISMISSING ACTION AND
DIRECTING FINAL JUDGMENT**

On October 1, 2019, this Court dismissed plaintiff Donald Mallard's *pro se* complaint for failure to state a claim upon which relief can be granted. *See* dkt. 6. Mr. Mallard, an inmate in the Indiana Department of Correction, was also granted *in forma pauperis* status and directed to pay an initial partial filing fee. *Id.* The Court ordered Mr. Mallard to pay that fee and show cause why this action should not be dismissed, or file an amended complaint, no later than October 15, 2019. *Id.* Mr. Mallard was cautioned that the failure to pay the initial partial filing fee and either show cause or file an amended complaint would result in the dismissal of this action and entry of final judgment without further notice. *Id.*

Mr. Mallard has not paid the initial partial filing fee, filed an amended complaint, nor responded to the show cause order. He has not sought additional time to comply, and the time for compliance has passed.

Therefore, for the reasons and authorities explained in the Court's Order of October 1, 2019, this action is **dismissed** for failure to state a claim upon which relief can be granted. 28 U.S.C. § 1915A. Final judgment consistent with this Order shall now enter.

This dismissal counts as one "strike" under 28 U.S.C. § 1915(g). The accumulation of three or more "strikes" will prohibit Mr. Mallard from proceeding *in forma pauperis* in any federal court unless he is in imminent danger of serious physical injury. *Id.*

SO ORDERED.

Date: 12/20/2019



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

Donald Mallard
184358
Pendleton Correctional Facility
Electronic Service Participant – Court Only